

Appln. No. 10/034,502  
Docket No. 14XZ00124/GEM-0203

### **REMARKS / ARGUMENTS**

#### **Status of Claims**

Claims 1-4 and 6-9 are pending in the application and stand rejected. Applicant has canceled Claims 3 and 4, and has amended Claims 1 and 6, leaving Claims 1-2 and 6-9 for consideration upon entry of the present Amendment.

Applicant thanks the Examiner for reconsidering and withdrawing the objections to the specification and claims, and for reconsidering and withdrawing the rejections under 35 U.S.C. §112, first paragraph.

Applicant respectfully submits that the rejections under 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

These amendments and accompanying remarks were not presented earlier because Applicant did not fully appreciate the nature of the Examiner's position until the Applicant was advised in more detail of the position by the final rejection. The claim amendments presented herein, which Applicant respectfully requests entry thereof, should require only a cursory review by the Examiner and should not require further consideration or search.

#### **Rejections Under 35 U.S.C. §103(a)**

Claims 1, 3, 6, 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Siczek et al. (U.S. Patent No. 5,526,394, hereinafter Siczek) in view of Osaki et al. (U.S. Patent No. 5,163,099, hereinafter Osaki) and further in view of Press et al. (NPL document, see PTO-892, hereinafter Press).

Regarding independent Claims 1 and 6, the Examiner acknowledges that Siczek does not expressly disclose the determining of N autocorrelations of the vector of luminous intensity values, performing the Fourier transform on the autocorrelation vector to obtain the energy frequency spectrum and comparing the energy value at the graduated